

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

MEMBERS OF THE BEEDE SITE	:	
GROUP	:	
v.	:	C.A. No. 1:09-CV-00370-WES
	:	
FEDERAL HOME LOAN	:	
MORTGAGE CORP., et al.	:	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Alnasco Co. Inc's Motion for Order Regarding Service on other Defendants. (Document No. 52). The Motion has been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); LR Cv 72.1. Defendant Alnasco requests inter alia, that the Court enter an Order pursuant to Fed. R. Civ. P. 5(c) that excuses all defendants from serving their pleadings and replies to them in this action on any other Defendant. As noted by Alnasco, there are over two hundred Defendants to this action, thus the burden of service could potentially be onerous. At the present time, however, Defendant Alnasco has not shown that any such burden exists. There are only three Defendants to date that have appeared pro se and do not receive service electronically via the Court's CM/ECF electronic filing system. There is no substantial burden in conventionally serving these three pro se Defendants.

Moreover, Alnasco's Motion purports to request relief on behalf of all Defendants, but no other Defendants have joined the Motion and it is not clear to the Court that the interests of all of the defendants are aligned on this issue. Without the consent of all Defendants, the entry of an order such as the one requested by Alnasco could create prejudice to the parties not participating in the Court's CM/ECF filing system. Because of the Court's concern regarding Defendants' commonality

of interests on this issue as well as the minimal burden at this time of serving all Defendants with “pleadings and replies,” the Motion for Order Regarding Service (Document No. 52) is DENIED. The denial of the Motion is without prejudice to renewal if, at some later date, a party or parties can demonstrate that the burden of service is actually more substantial than presently believed by the Court or that the potential for prejudice to the parties not participating in CM/ECF can be alleviated.

SO ORDERED.

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
March 17, 2010